

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2380 OF 2019

1.S.Ramayee

2.Jothimanickam

3.D.Selvamani

4.Kamalarani

... Petitioners

Vs.

1.S.Rajeswari

2.S.Pradeep

3.Gopikrishnan (Minor)

[represented by the first respondent]

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Article 227 of Constitution of India, praying to issue appropriate direction for speedy disposal of the O.S.No.189 of 2017 on the file of the Sub Court, Mettur.

For petitioners

: Ms.K.Jenitha

ORDER

The petitioners are the defendants before the trial Court. The respondents are the daughter-in-law and grand children of the 1st petitioner. The respondents filed the suit for partition against the petitioners. At the time of filing the suit in the year 2009, the 1st petitioner was 65 years old and her husband was 70 years old. During the pendency of the suit, the 1st petitioner's husband died. The said suit was posted for arguments on the side of the plaintiff on 22.04.2019 and till date continuous to be in the same stage. Due to the advance age, the 1st petitioner is not in a position to wait and hence seeks for early disposal of the suit.

2. I considered the materials produced before this Court.

3. From the perusal of the pleadings, it is seen that the 1st defendant namely, the husband of the 1st petitioner was about 70 years and the 1st petitioner was 65 years on the date of institution of the suit.

4. During the pendency of the suit her husband / first defendant died. Now she is approaching 75 years. Considering the advance age of the 1st petitioner and pendency of the suit for more than a decade, this Court is

inclined to issue a direction to the trial Court as prayed for.

5. Accordingly, the District Sub Court, Mettur, is directed to dispose of the O.S.No.189 of 2017 pending on its file within a period of two months from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of with the above direction.

No costs.

30.07.2019

bri/bkn

Index:Yes / No
Speaking order / Non speaking order

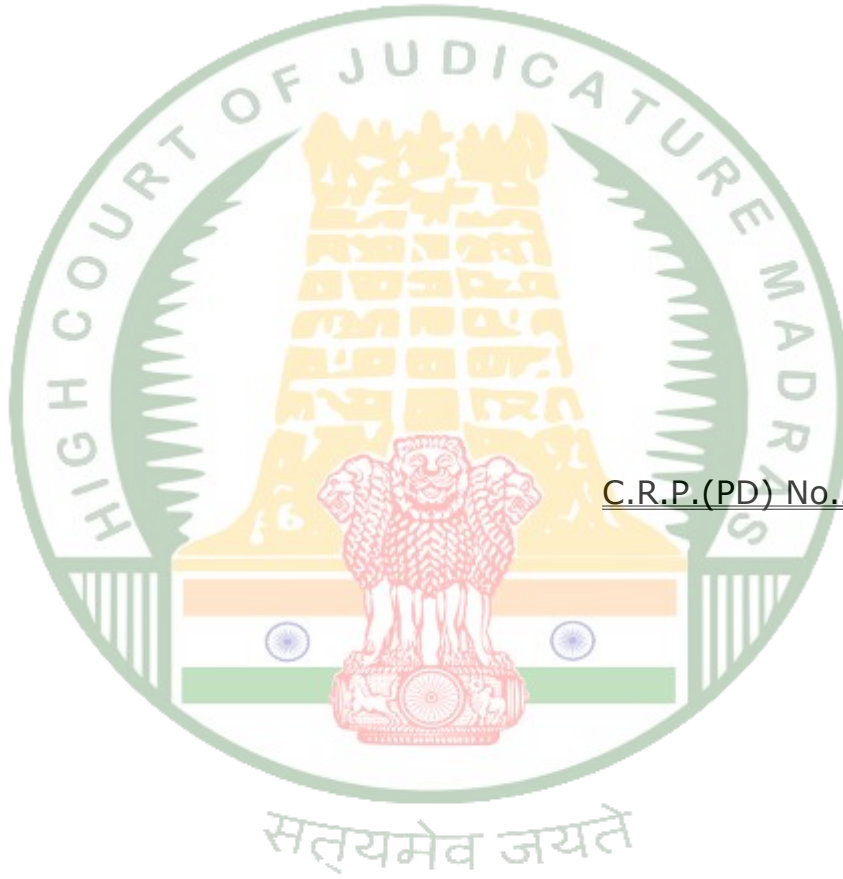
To

The District Sub Court,
Mettur.

Note: Issue order copy on 20.02.2020.

M.GOVINDARAJ, J.

bri/bkn



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